

SOUTHERN SAN JOAQUIN VALLEY WATER QUALITY COALITION

***Kaweah River Sub-Watershed
Kern River Sub-Watershed
Kings River Sub-Watershed
Tule River Sub-Watershed
4886 E. Jensen Avenue
Fresno, California 93725
(559) 237-5567***

April 18, 2008

Karl Longley, Chair
Katherine Hart, Vice Chair
Paul Betancourt, Member
Cheryl Maki, Member
Sandra Meraz, Member
Soapy Mulholland, Member
Dan Odenweller, Member
Pamela Creedon, Executive Officer
CALIFORNIA REGIONAL WATER QUALITY
CONTROL BOARD, CENTRAL VALLEY
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114

RE: SOUTHERN SAN JOAQUIN VALLEY WATER QUALITY COALITION -
GENERAL ORDER

Dear Dr. Longley, Board Members and Executive Officer Pamela Creedon:

As you are each aware, the southern end of the San Joaquin Valley is remarkably different, isolated and closed, from the Sacramento/San Joaquin Delta portions of the Central Valley. In recognition of this, the Central Valley Regional Water Quality Control Board (Regional Board) has developed an entirely separate Basin Plan for the Tulare Lake Basin which encompasses the historic Buena Vista Lake Bed, Kern Lake Bed and Tulare Lake Bed which are the terminal destinations of the four major river systems Kern, Tule, Kaweah and Kings and the westside and southern local ephemeral drainages. The area is, therefore, an enclosed basin and the valley floor waters therein are fully exhausted through consumptive use. No waters drain to the San Joaquin River or on to the Delta, except in extreme flood years, making the Tulare Lake Basin totally distinguishable from the balance of the Central Valley Region.

These hydrologic differences are expressly represented in the Tulare Lake Basin Plan, yet the regulatory Irrigated Lands Regulatory Program (ILRP) Agricultural Waiver was originally promulgated Central Valley wide and many of the priorities thereof and continual amendments thereto have been driven by multiple exceedances of water quality objectives, fish concerns, delta water quality, 303d listings, pesticide TMDLs, toxic hot spots, and other factors entirely reflective of the San Joaquin and Sacramento Basins of the Central Valley and not applicable to the Tulare Lake Basin. Even though there is significant irrigated agriculture in the Tulare Lake Basin, due to its unique hydrology, limited rainfall, and extensive water conservation practices only a portion of those lands actually discharge either irrigation or stormwater run-off to surface waters and that drainage generally does not contain significant pollutants. Consequently, the Southern San Joaquin Valley Water Quality Coalition feels these discharges are more appropriately regulated under a General Order, rather than individual Waste Discharge Requirement permits or the Irrigated Lands Regulatory Program Agricultural Waiver which has been primarily designed for other areas of the Central Valley. Regulating these discharges under a general order will provide adequate monitoring, reporting and targeted regulatory and management actions which are designed to deal with identified problems.

The monitoring conducted over the past four years in the Tulare Lake Basin has demonstrated the remarkable differences in the water quality issues of this Basin and the lack of focused relevance of the existing waiver for the Tulare Lake Basin. The water quality coalitions in the northern portion of the Central Valley have dozens of management plans due to water quality exceedances. However, only one management plan is required in the southern San Joaquin Valley, apparently due to herbicide applications to canals by a single water district rather than runoff from agricultural fields.

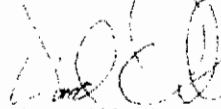
Also throughout the last several years the waiver has been the focus of considerable controversy and the subject of multiple lawsuits. The most recent suit challenging the Regional Board is entirely focused on the Sacramento & San Joaquin Basin Plans, not the Tulare Lake Basin Plan.

Further, the Central Valley Regional Board has recently promulgated several general order WDRs (Waste Discharge Requirements). We believe a carefully crafted general order WDR modeled after the existing waiver and Monitoring and Reporting Program (MRP) will equally protect the basin plan water quality objectives and can be specifically fashioned to reflect the unique conditions of the Tulare Lake Basin. Among other benefits, we believe this General Order will bring about long sought regulatory stability that has not been achievable under the ILRP waiver. Even though the ILRP has just recently undergone significant changes, in a couple of years it must be reconsidered because by statute waivers cannot exceed five years.

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Based on the foregoing, we hereby submit such a General Order for your consideration.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'David Orth', is written over the typed name.

David Orth
Southern San Joaquin Valley Water
Quality Coalition

DO/mc

Enclosure

cc: Joe Karkoski
Lonnie Waas

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